

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CHITALU CHITALU, individually and on	:	
behalf of all others similarly situated,	:	
	:	Case No. 3:24-cv-296
Plaintiff,	:	
	:	Judge Thomas M. Rose
v.	:	
	:	
CASAD COMPANY, INC. D/B/A TOTALLY	:	
PROMOTIONAL,	:	
	:	
Defendant.	:	

ORDER OF TRANSFER

Plaintiff Chitalu Chitalu (“Plaintiff”) filed a Complaint against Defendant Casad Company, Inc. D/B/A Totally Promotional (“Defendant”) on November 12, 2024 (Doc. No. 1). According to 28 U.S.C. § 1391(b), civil suits may be brought only in the judicial district where (1) any defendant resides, if all defendants reside in the same State; (2) a substantial part of the events or omissions giving rise to the claim occurred; or (3) any defendant may be found, if there is no district in which the claim may otherwise be brought.

Based on the face of the Complaint, Plaintiff is a resident of Germantown, Maryland and Defendant is a business located in Coldwater, Ohio. (Doc. No. 1 at PageID 4.) Coldwater, Ohio is located in Mercer County. Thus, venue for Plaintiff’s case is proper in the Toledo Division of the Northern District of Ohio. *See* LR 3.8(a).

When venue is not proper, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). “[E]ven when venue is proper, a district court may transfer a civil action to any other

district where it might have been brought for the convenience of the parties and witnesses and in the interest of justice.” *Ragland v. Corizon Med. Providers Inc.*, No. 2:19-CV-11859, 2019 WL 2716221, at *2 (E.D. Mich. June 28, 2019) (citing 28 U.S.C. § 1404(a)). Both 28 U.S.C. §§ 1404(a) and 1406(a) allow a district court to transfer a case *sua sponte*. *Flynn v. Greg Anthony Constr. Co., Inc.*, 95 F. App’x 726, 738 (6th Cir. 2003). For these reasons, a transfer of this case to the Northern District of Ohio at Toledo is warranted. *See* 28 U.S.C. § 1406(a); *see also* LR 3.8(a).

Accordingly, pursuant to 28 U.S.C. § 1391(b) and LR 3.8(a), the Clerk of Courts is hereby **DIRECTED TO TRANSFER** this case to the Northern District of Ohio at Toledo for all further proceedings.

DONE and ORDERED in Dayton, Ohio, this Tuesday, November 12, 2024.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE